

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

THE WILLIAMS COMPANIES, INC.)
and CONOCO PHILLIPS COMPANY,)

Plaintiffs)

vs.)

C. BRAD HENRY, Governor of the State)
of Oklahoma, W.A. DREW EDMONDSON,))
Attorney General of the State of Oklahoma,)
and their Agents and Successors)

Case No. 04-cv-820-TCK-PJC

Defendants)

NORDAM GROUP, INC.; NORRIS;)
DP MANUFACTURING, INC.; TULSA)
WINCH, INC.; RAMSEY WINCH, INC.;)
and AUTO CRANE COMPANY,)

Intervenors)

MOTION TO APPEAR AS AMICUS CURIAE

Comes now the National Rifle Association of America (NRA) pursuant to Fed. R. App. P. Rule 29 and respectfully asks for leave to appear, by brief only, and file its amicus curiae brief, and in support thereof shows the following:

1. The NRA, chartered in 1871, is a nonprofit, nonpartisan, nationwide membership organization. The NRA is not only the oldest sportsmen's organization in

America, but also is an educational, recreational, and public service organization dedicated to the right of the individual citizen to own and use firearms for lawful recreation and defense. Approximately 41,109 individual members of the NRA reside in the State of Oklahoma as of July 26, 2005, and approximately 78 clubs and associations affiliated with the NRA were located in Oklahoma as of the same date. The NRA has reason to believe that many of these individual members stand to be affected by the outcome of the instant litigation. The NRA is a New York not-for-profit corporation, recognized as a § 501(c)(4) entity under the Internal Revenue Code, with its principal office in Fairfax County, Virginia, and it is supported by membership dues and contributions from public-spirited members and clubs. It is not affiliated with any arms or ammunition manufacturer nor with any business which deals in firearms or ammunition. It receives no appropriations from Congress.

2. The NRA was a leading proponent of the legislation at issue in this case, and of other Oklahoma laws that will be affected by the decision in this case.

3. The NRA will support the position of the defendants, by urging the Court to reject the contention that 21 Okla. Rev. Stat. §§ 1289.7a & 1290.22 work an impermissible taking of property.

4. Although it disagrees that the strict scrutiny is the proper standard to apply in determining the permissibility of the statutes in question, the NRA will argue that they would survive review even under that standard.

5. The NRA is aware that the Court established a July filing deadline for amicus briefs in this case

Wherefore, the NRA moves that this court grant its application for leave to appear, by brief only, and file its amicus curiae brief.

Respectfully submitted,

/s Stefan B. Tahmassebi

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CERTIFICATE OF SERVICE

I certify that on July 29, 2005, I electronically transmitted the foregoing MOTION TO APPEAR AS AMICUS CURIAE to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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CORPORATE DISCLOSURE STATEMENT

Under LcvR 5.6 the undersigned counsel of record for amicus curiae National Rifle Association of America (NRA) certify that NRA is a New York not-for-profit corporation. It has not issued stock or debt securities to the public. It is recognized by the Internal Revenue Service as a 26 U.S.C. § 501(c)(4) entity.

Respectfully submitted,

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